IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 14152 of 2006(I)

PETITIONER:

C.V. ABDUL AZEEZ, S/O. MOIDUNNI,
AGED 50 YEARS, PROPRIETOR,
PLAZA LODGE, VANDIPPETTA, PONNANI.

BY ADV. SRI.K.RAMACHANDRAN
SRI.MOHAMMED FAIZAL NAHA

RESPONDENTS:
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1. THE ASSISTNT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, PONNANI.

2. THE DEPUTY TAHSILDAR (R.R),
TALUK OFFICE, PONNANI.

3. THE VILLAGE OFFICER, PONNANI.

R1 BY ADV. SMT.AMBIKA DEVI, SC, KWA
R2 AND R3 BY G.P. SMT. M.K. PUSHPALATHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF NOTICE IN FORM NO. 1 VIDE FILE NO. D1-53181/2005 DATED 16.1.2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF NOTICE IN FORM NO.10 VIDE NO. PRI-401/05-06 DSATED 16.1.2006 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 14152 OF 2006

Dated this the 13th day of August, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for Kerala Water Authority. Though the petitioner had water connection and was paying bills for water charges for the connection taken in the lodge, petitioner discontinued payment from 24.10.1994 onwards. However, supply was disconnected on 10.8.1995 on account of chronic default. It is submitted that petitioner dug well to source the water. The arrears sought to be recovered with interest as on August, 2005 was Rs. 7250/-. Counsel for the petitioner contended that petitioner is not served with details of bills for nearly 10 months' period of default. However, counsel for Water Authority submitted that petitioner was furnished with details. I do not think there is any scope for entertaining contest with regard to water charges in this proceeding because petitioner has a right of appeal against water bills, if the petitioner so chooses. However, since petitioner does not enjoy water connection any longer and in view of inordinate delay in initiating recovery

proceedings, for the sake of finality petitioner can be granted full waiver of interest, if the arrears of water charges as on the date of disconnection are paid without interest within one month from now. However, if payment is not made, petitioner is free to deposit 50% of the total arrears including interest and file appeal against the water bills before the Executive Engineer, which also should be done at the option of the petitioner within one month from now. If appeal is filed after payment of 50%, the Executive Engineer will treat the same as one filed in time, hear the petitioner and dispose of the same within three months thereafter. Recovery of 50% in that case will remain stayed till disposal of appeal.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge